

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

STEPHEN McCOLLUM, and SANDRA §
McCOLLUM, individually, and STEPHANIE §
KINGREY, individually and as independent §
administrator of the Estate of LARRY GENE §
McCOLLUM, §
PLAINTIFFS §
§
v. § CIVIL ACTION NO.
§ 4:14-cv-3253
BRAD LIVINGSTON, JEFF PRINGLE, § JURY DEMAND
RICHARD CLARK, KAREN TATE, §
SANDREA SANDERS, ROBERT EASON, the §
UNIVERSITY OF TEXAS MEDICAL §
BRANCH and the TEXAS DEPARTMENT OF §
CRIMINAL JUSTICE. §
DEFENDANTS §

**PLAINTIFFS' RESPONSE TO TDCJ'S MOTION TO DESIGNATE DEAN
RIEGER AS A LATE EXPERT &
PLAINTIFFS' MOTION TO STRIKE LATE EXPERT DESIGNATIONS OF
LANNETTE LINTHICUM, PHYLLIS MCWHORTER, ROBERT WILLIAMS,
DEAN RIEGER, AND JOHN NIELSEN-GAMMON**

Exhibit 3

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

STEPHEN McCOLLUM, *ET AL.*, §
§
V. § CIVIL ACTION NO. 4:14-CV-3253
§
BRAD LIVINGSTON, *ET AL.*, §
DEFENDANTS. § JURY DEMAND

TDCJ DEFENDANTS' THIRD SUPPLEMENTAL DISCLOSURES TO PLAINTIFFS

TO: Plaintiffs, by and through their attorneys of record, Jeff Edwards and Scott Medlock, The Edwards Law Firm, 1101 E. 11th Street, Austin, Texas 78702-1908

Defendant Texas Department of Criminal Justice ("TDCJ"), and individual TDCJ Defendants, Brad Livingston, Robert Eason, Jeff Pringle, Richard Clark, Karen Tate and Sandrea Sanders in their individual capacities, by and through their attorneys of record, the Attorney General for the State of Texas, submit the following Third Supplement to Initial Disclosures to Plaintiffs in accordance with Rule 26(a)(1) of the Federal Rules of Civil Procedure.

(1) INITIAL DISCLOSURES

(a.) The name and, if known, the address and telephone number of each individual likely to have information that bears significantly on any claim or defense, identifying the subjects of the information, and a brief, fair summary of the substance of the information known by the person:

- 1. Stephen McCollum**
c/o Jeff Edwards
Scott Medlock
The Edwards Law Firm
1101 E. 11th Street
Austin, Texas 78702-1908
Tel. (512) 623-7727

Mr. Stephen McCollum is a plaintiff in this lawsuit. He is expected to testify regarding the allegations set out in the complaint.

- 2. Stephanie Kingrey**
c/o Jeff Edwards

Scott Medlock
The Edwards Law Firm
1101 E. 11th Street
Austin, Texas 78702-1908
Tel. (512) 623-7727

Ms. Stephanie Kingrey is a plaintiff in this lawsuit. She is expected to testify regarding the allegations set out in the complaint.

3. Sandra McCollum

c/o Jeff Edwards
Scott Medlock
The Edwards Law Firm
1101 E. 11th Street
Austin, Texas 78702-1908
Tel. (512) 623-7727

Ms. Sandra McCollum is a plaintiff in this lawsuit. She is expected to testify regarding the allegations set out in the complaint.

4. Texas Department of Criminal Justice

5. Brad Livingston

Executive Director, Texas Department of Criminal Justice
c/o Cynthia Burton
Assistant Attorney General
Tel. (512) 463-2080

Mr. Brad Livingston in his individual capacity is a defendant in this lawsuit.

6. Rick Thaler

Former Director, TDCJ-CID
c/o Cynthia Burton
Assistant Attorney General
Tel. (512) 463-2080

Mr. Rick Thaler in his individual capacity is a defendant in this lawsuit. Mr. Thaler may have relevant knowledge of TDCJ-CID policies and procedures. Please see Mr. Thaler's deposition in this and other related cases.

7. Jeff Pringle

Former Senior Warden, Hutchins State Jail¹
c/o Cynthia Burton
Assistant Attorney General
Tel. (512) 463-2080

¹ Also referred to as Hutchins Unit.

Mr. Jeff Pringle in his individual capacity is a defendant in this lawsuit. Mr. Pringle was the Senior Warden of the Hutchins State Jail during the time relevant to Plaintiffs' complaint. He may testify as to the allegations concerning the incident which forms the basis of this case. Specifically, he may testify as to his role in this incident and TDCJ policies and procedures. Please see Mr. Pringle's depositions in this and other related cases.

8. Robert Eason

Deputy Director of Prison & Jail Operations
TDCJ-CID
c/o Cynthia Burton
Assistant Attorney General
Tel. (512) 463-2080

Mr. Robert Eason in his individual capacity is a defendant in this lawsuit. Mr. Eason was Regional Director of Region II during the time relevant to Plaintiffs' complaint. Mr. Eason may have relevant knowledge of TDCJ-CID policies and procedures. Mr. Eason may have relevant knowledge of policies and practices pertaining to offender property procedures as applied to the Hutchins State Jail. Please see Mr. Eason's deposition in this and other related cases.

9. Richard Clark

Correctional Officer, Hutchins State Jail
c/o Cynthia Burton
Assistant Attorney General
Tel. (512) 463-2080

Mr. Richard Clark in his individual capacity is a defendant in this lawsuit. He may testify as to the allegations concerning the incident which forms the basis of this case. Specifically, he may testify as to his role in this incident and TDCJ policies and procedures. Please see Mr. Clark's deposition in this and other related cases.

10. Karen Tate

Former Sergeant, Hutchins State Jail
c/o Cynthia Burton
Assistant Attorney General
Tel. (512) 463-2080

Ms. Karen Tate in her individual capacity is a defendant in this lawsuit. She may testify as to the allegations concerning the incident which forms the basis of this case. Specifically, she may testify as to her role in this incident and TDCJ policies and procedures. Please see Ms. Tate's deposition in this and other related cases.

11. Sandra Sanders

Former Lieutenant, Hutchins State Jail
c/o Cynthia Burton
Assistant Attorney General

Tel. (512) 463-2080

Ms. Sandrea Sanders in her individual capacity is a defendant in this lawsuit. She may testify as to the allegations concerning the incident which forms the basis of this case. Specifically, she may testify as to her role in this incident and TDCJ policies and procedures. Please see Ms. Sander's deposition in this and other related cases.

12. Balden Polk

Senior Warden, Tulia Transfer Facility
4000 Highway 86 West
Tulia, TX 79088
Tel. (806) 995-4109

Mr. Balden Polk is a non-party witness in this lawsuit. Mr. Polk was the Assistant Warden at the Hutchins State Jail during the relevant time frame of this lawsuit. He may have relevant knowledge of the alleged incident which formed the basis of this lawsuit and TDCJ policies and procedures.

13. Haskell Rayford

Hutchins State Jail
1500 East Langdon Road
Dallas, TX 75241
Tel. (972) 225-1304

Mr. Haskell Rayford is a non-party witness in this lawsuit. Mr. Rayford was a correctional officer at the Hutchins State Jail on the date of the alleged incident which forms the basis of this lawsuit. He may testify as to the allegations concerning the incident which forms the basis of this case. Specifically, he may testify as to his role in this incident and TDCJ policies and procedures.

14. Tashawna Bowser

Hutchins State Jail
1500 East Langdon Road
Dallas, TX 75241
Tel. (972) 225-1304

Ms. Tashawna Bowser is a non-party witness in this lawsuit. Ms. Bowser was a correctional officer at the Hutchins State Jail on the date of the alleged incident which forms the basis of this lawsuit. She may have relevant knowledge of the alleged incident making the basis of this lawsuit and TDCJ policies and procedures.

15. Dr. Charles Owens

5201 Harry Hines
Dallas, TX
Tel. (214) 590-6142

Dr. Owens is a non-party witness in this case. He may testify as to his role in the alleged incident and offender Larry McCollum's medical information.

16. Michael Keck

Office of the Inspector General
P.O. Box 13084
Capitol Station
Austin, TX
Tel. (512) 671-2480

Mr. Michael Keck is a non-party witness in this lawsuit. He was the Criminal Investigator with the TDCJ, OIG Investigations Division-Region A, who conducted the investigation into offender Larry McCollum's death. He may testify about OIG policies and investigative procedures, as well as action taken in response to the incident which forms the basis of this lawsuit.

17. J. Keith Pinckard, M.D., Ph. D.

Travis County, Texas
Chief Medical Examiner
1213 Sabine Street
Austin, TX 78701
Tel. (512) 854-9599

Dr. Keith Pinckard is the medical examiner who performed offender Larry McCollum's autopsy. He will testify regarding his examination, findings and conclusions in his autopsy report.

18. Lannette Linthicum, M.D. FACP, CCHP-A

Director of TDCJ Health Services Division
2 Financial Plaza, Ste. #625
Huntsville, TX 77340
Tel. (936) 437-4271

Dr. Lannette Linthicum is a non-party witness in this lawsuit. Dr. Linthicum may testify regarding correctional health care and the duties, policies, practices and procedures of Health Services Division. Further, she may testify regarding TDCJ policies and procedures. Please see Ms. Linthicum's deposition in *Bailey v. Livingston, et al.* No. 4:14-cv-01698 and other related cases.

19. Robert Williams

Deputy Director of TDCJ Health Services Division
Two Financial Plaza, Ste. #625
Huntsville, TX 77340
Tel. (936) 437-4271

Dr. Robert Williams is a non-party witness in this lawsuit. Dr. Williams is the Deputy Director of the Health Services Division. Dr. Williams reports directly to Dr. Lannette Linthicum. Dr. Williams may testify regarding correctional health care and the duties, policies, practices and procedures of Health Services Division, as well as TDCJ policies and procedures.

20. Kathryn Buskirk

Former Director Quality Monitoring and Compliance - Retired

c/o Cynthia Burton
Assistant Attorney General
Tel. (512) 463-2080

Dr. Kathryn Buskirk is a non-party witness in this lawsuit. Dr. Buskirk was employed with TDCJ Health Services Division, in the Office of Health Services Monitoring. Dr. Buskirk's responsibilities included the monitoring of all incidents of heat-related illness or death and compiling reports of such incidents. Dr. Buskirk may testify regarding correctional health care and the duties, policies, practices and procedures of Health Services Division. Further, she may testify regarding TDCJ policies and procedures.

21. George Crippen

Former Chief Nursing Officer/Director, Clinical Administration - Retired
TDCJ Health Services Division
Investigation continues with regard to his last known address.

Mr. George Crippen is a non-party witness in this lawsuit. Mr. Crippen may have relevant knowledge of TDCJ Health Services Division policies and procedures.

22. Phyllis McWhorter

Manager IV, Health Services Liaison
TDCJ Health Services Division
2 Financial Plaza, Ste. #625
Huntsville, TX 77340
Tel. (936) 437-4271

Ms. Phyllis McWhorter is a non-party witness in this lawsuit and may testify about heat related illnesses or death reported to Health Services Division. Further, she may testify regarding the duties, policies, practices and procedures as a Health Services Liaison.

23. Ananda Babbili

Hutchins State Jail
1500 East Langdon Road
Dallas, TX 75241
Tel. (972) 225-1304

Mr. Ananda Babbili is a non-party witness in this lawsuit. He was a Physician's Assistant at the Hutchins State Jail on the date of the alleged incident which forms the basis of this lawsuit. He may possibly testify as to his role in the alleged incident, offender Larry McCollum's medical information and UTMB policies and procedures as applied to the Hutchins State Jail. Please see Mr. Babbili's deposition in this case.

24. Roy Storie

Hutchins State Jail
Retired, Investigation continues with regard to his last known address.

Mr. Roy Storie is a non-party witness in this lawsuit. He was the Unit Risk Manager at the Hutchins State Jail on the date of the alleged incident which forms the basis of this lawsuit. He may possibly testify as to his role in the alleged incident, and TDCJ policies and procedures as applied to the Hutchins State Jail. Please see Mr. Storie's deposition in this and other related cases.

25. Thomas Vian

Former TDCJ Facilities Division Director - Retired
67 FM 369 N
Iowa Park, TX 76367

Mr. Thomas Vian is non-party witness in this lawsuit. Mr. Vian is the former Director of Maintenance Department for the Facilities Division of the Texas Department of Criminal Justice, and may have relevant knowledge of Maintenance policies and procedures. Please see Mr. Vian's deposition in this case.

26. Terry May

Assistant Warden
TDCJ-CID Lopez State Jail
1203 El Cibolo Rd.
Edinburg, TX 78542
Tel. (956) 316-3810

Mr. Terry May is a non-party witness in this lawsuit. Assistant Warden May was the Major at the Hutchins State Jail during the relevant time period and may have relevant knowledge of TDCJ policies and procedures as applied to the Hutchins State Jail. In addition, Risk Management personnel reported daily temperatures during the operative time frame to Mr. May.

27. William Stephens

TDCJ-CID Director
P.O. Box 99
Huntsville, TX 77342-0099
Tel. (936) 437-2170

Mr. William Stephens is a non-party witness in this lawsuit. Mr. Stephens has relevant knowledge of TDCJ policies and procedures pertaining to the confinement of adult felony and state jail felony offenders who are sentenced to incarceration in secure facilities. Mr. Stephens may have relevant knowledge of TDCJ's response to heat-related illness, injuries or deaths. Mr. Stephens may have relevant knowledge of the costs associated with retrofitting TDCJ facilities to install air conditioning, as well as the installation and efficacy of evaporative coolers installed in select TDCJ facilities during 2014. Please see Mr. Stephens' deposition in this and other related cases.

28. David Vader

Network Specialist V
Information Technology Division of TDCJ
1260 Hwy 75 North
Huntsville, TX 77320

Tel. (936) 437-9063

Mr. David Vader is a non-party witness in this lawsuit. He has relevant knowledge of TDCJ's technical aspects of hard drive retrieval and preservation. Please see Mr. Vader's deposition in this and other related cases.

29. Randy Bitner

Network Specialist V
Information Technology Division of TDCJ
815 11th Street
Huntsville, TX 77340
Tel. (936) 437-1863

Mr. Randy Bitner is a non-party witness in this lawsuit. Mr. Bitner has relevant knowledge of the technical aspects of the Lotus Notes and O365 email systems, the Novell servers, as well as the preservation of electronically stored information pertaining to the same systems.

30. Charlotte Anderson

Assistant Director, Application & Development
Information Technology Division, TDCJ
815 11th Street, Rm #107
Huntsville, TX 77340
Tel. (936) 437-1153

Ms. Charlotte Anderson is a non-party witness in this lawsuit. She has relevant knowledge of TDCJ's ESI and related search costs. Please see Ms. Anderson's deposition in this and other related cases.

31. Cynthia Milne

Former Director of Litigation Support, TDCJ-OGC
c/o Cynthia Burton
Assistant Attorney General
Tel. (512) 463-2080

Ms. Cynthia Milne is a non-party witness in this lawsuit. Ms. Milne is the former Director of Litigation Support for the Office of the General Counsel, TDCJ. Ms. Milne may have relevant knowledge of the documents associated with Global Document Index, #12, #13, and #28. Please see Ms. Milne's deposition in this and other related cases.

32. Karen Hall

Manager IV
Executive Services
P.O. Box 99
Huntsville, TX 77342-0099
Tel. (936)-437-6452

Ms. Hall has provided statistical information by deposition in this case. Further, she may testify regarding TDCJ policies and procedures. Please see Ms. Hall's deposition in this and other related cases.

33. Jennifer Osteen

Litigation Support Manager, UTMB
301 University Boulevard
Galveston, TX 77555
Tel. (409) 747-8741

Ms. Osteen is a non-party witness in this lawsuit. She is a UTMB employee and may testify about topics related to her 30b6 deposition in this case. Please see her 30b6 deposition in this case.

34. Robert Shaffer

Director of Information Security
IS-Security
Clear Lake Center Suite 100
Tel. (409) 266-1444

Mr. Shaffer is a non-party witness in this lawsuit. He is a UTMB employee and may testify about topics discussed in his 30b6 deposition. Please see his 30b6 deposition in this case.

35. Tobin Boenig

VP & Chief Compliance Officer
Office of Institutional Compliance
Rebecca Sealy Hospital
Tel. (409) 747-8702

Mr. Boenig is a non-party witness in this lawsuit. He is a UTMB employee and may testify about topics discussed in his 30b6 deposition in this case. Please see his 30b6 deposition in this case.

36. Glenda Adams

Sr. Medical Director Impatient Services
200 River Pointe, Suite 200
Conroe, Texas 77304
Tel. (512) 475-2335

Dr. Adams is Defendant UTMB's expert witness and may testify about topics discussed in her expert report and deposition in this case.

37. James Balsamo, Jr.

c/o Jeff Edwards
Scott Medlock
The Edwards Law Firm
1101 E. 11th Street
Austin, Texas 78702-1908

Tel. (512) 623-7727

Mr. Balsamo is Plaintiffs' expert witness in this lawsuit and may testify about topics discussed in his deposition in this case.

38. Owen Murray, M.D.

Vice President For Offender Health Services
University of Texas Medical Branch,
Galveston, Texas
Tel. (936) 494-4171 (office)

Dr. Murray is a non-party witness in this lawsuit. He is a UTMB employee and may testify about topics discussed in his deposition in this case.

39. Velva McKinney

Address and phone number unknown at this time – This information will be supplemented if and when it is obtained.

Ms. McKinney is a non-party witness in this lawsuit. She was a nurse who saw Mr. McCollum in 2011. She may testify about her interactions with Mr. McCollum, her personal knowledge of Mr. McCollum's medical condition and UTMB's policies and procedures.

40. Ms. Connell

Address and phone number unknown at this time – This information will be supplemented if and when it is obtained.

Ms. Connell is a non-party witness in this lawsuit. She was a nurse who saw Mr. McCollum in 2011. She may testify about her interactions with Mr. McCollum, her personal knowledge of Mr. McCollum's medical condition and UTMB's policies and procedures.

41. Tito Orig, M.D.

Hutchins State Jail
1500 E. Langdon Rd.
Dallas, Texas 75241
Tel. (972) 225-1304

Dr. Orig may testify about the medical care provided to Mr. McCollum at the Hutchins Unit as well as a review of the records from McLennan County.

42. Gina Stokes

University of Texas Medical Branch
301 University Blvd.
Galveston, TX 77555-0171
Tel. (936) 747-2600

Ms. Stokes is a non-party witness and may testify about her role in the triage of Mr. McCollum, her personal knowledge of Mr. McCollum's medical condition, and about UTMB policies and procedures.

43. Adeotun Jolayemi

Hutchins State Jail
1500 E. Langdon Rd.
Dallas, TX 75241
Tel. (972) 225-1304

Ms. Adeotun Jolayemi is a non-party witness who was a correctional officer at the Hutchins Unit during the relevant time period. On July 22, 2011, Ms. Jolayemi was notified by Officer Richard Clark that Mr. McCollum needed medical assistance, and she called for additional staff, a supervisor and a video camera. Ms. Jolayemi may testify as to her personal knowledge of the events occurring prior to Mr. McCollum's death as well as TDCJ policies and procedures.

44. Tashania Innis

Hutchins State Jail
1500 E. Langdon Rd.
Dallas, TX 75241
Tel. (972) 225-1304

Ms. Tashania Innis is a non-party witness who was a correctional officer for TDCJ during the relevant time period. On July 22, 2011, Ms. Innis served as a transport officer with T. Cain when Mr. McCollum was transported via ambulance to Parkland Hospital. T. Innis may testify as to his/her personal knowledge of the events occurring prior to Mr. McCollum's death and about TDCJ policies and procedures.

45. Terence Cain

Address and phone number unknown at this time – This information will be supplemented if and when it is obtained.

Mr. Terence Cain is a non-party witness who was a correctional officer for TDCJ during the relevant time period. On July 22, 2011, Mr. Cain served as a transport officer with Ms. Innis when Mr. McCollum was transported via ambulance to Parkland Hospital. Mr. Cain may testify as to his/her personal knowledge of the events occurring prior to Mr. McCollum's death and about TDCJ policies and procedures.

46. I. Smith

Hutchins State Jail
1500 E. Langdon Rd.
Dallas, TX 75241
Tel. (972) 225-1304

I. Smith is a non-party witness who was a mental health clinician at the Hutchins Unit during the relevant time period. On July 19, 2011, I. Smith conducted Mr. McCollum's "Psychological

Screening Interview.” He/She may testify about the screening interview, personal knowledge of Mr. McCollum’s mental health and medical conditions, and UTMB policies and procedures.

47. Sheila Smith

McLennan County Sheriff’s Office – Health Services Division
3201 E State Highway 6
Waco, Texas 76705
Tel. (254) 757-5110

Sheila Smith is a non-party witness who was an LVN at the McLennan County Jail on July 15, 2011. Upon information and belief, Ms. Smith completed Mr. McCollum’s “Texas Uniform Health Status Update” at the McLennan County Jail on July 15, 2011, prior to his transfer to TDCJ’s Hutchins Unit. Ms. Smith may testify about her personal knowledge of Mr. McCollum’s medical conditions.

48. V. McRinney

Hutchins State Jail
1500 E. Langdon Rd.
Dallas, Texas 75241
Tel. (972) 225-1304

V. McRinney is a non-party witness who was an LVN at the Hutchins Unit on July 15, 2011. On July 15, 2011, V. McRinney completed Mr. McCollum’s “CID Intake Interview” upon his arrival to the Hutchins Unit. V. McRinney may testify about the intake interview, her personal knowledge of Mr. McCollum’s medical conditions, and UTMB policies and procedures.

49. Clyde Armstrong

Director of Maintenance Department
TDCJ Facilities Division
Two Financial Plaza, Ste. #400
Huntsville, TX 77340
Tel. (936) 437-7200

Mr. Armstrong is not a defendant in this lawsuit. Mr. Armstrong is the Director of Maintenance Department for the Facilities Division of the Texas Department of Criminal Justice, and may have relevant knowledge of Maintenance policies and procedures. Further, he may testify regarding TDCJ policies and procedures at the Hutchins State Jail.

50. Nina Delaney

Chief of Unit Classification, Hutchins State Jail
1500 E. Langdon Rd.
Dallas, TX 75241
Tel. (972) 225-1304

Ms. Nina Delaney is not a defendant in this lawsuit. Ms. Delaney may have relevant knowledge of TDCJ policy and procedures pertaining to the intake and housing of offenders at Hutchins State Jail. Further, she may testify regarding TDCJ policies and procedures at the Hutchins State Jail.

51. Brian Buster

Environmental Manager, TDCJ Facilities Division
P.O. Box 4011
Huntsville, TX 77342-4011
Tel. (936) 437-7247

Mr. Brian Buster is not a defendant in this lawsuit. Mr. Buster may have relevant knowledge of the Hutchins State Jail's compliance with *Ruiz* litigation standards as well as standards of the American Correctional Association.

52. Frank Inmon

Director, Facilities Division, TDCJ
P.O. Box 4011
Huntsville, TX 77342-4011
Tel. (936) 437-7201

Mr. Frank Inmon is not a defendant in this lawsuit. Mr. Inmon may have relevant knowledge concerning the construction and design of the Hutchins State Jail, to include the ventilation and heating/air conditioning system, and the financial costs associated with the provision of electricity and maintenance pertaining to air conditioning at the Hutchins State Jail. Mr. Inmon may have relevant knowledge of the process for approving the installation, design and construction of any capital improvements to TDCJ facilities, including the Hutchins State Jail.

53. Glenn Isbell

Director, Engineering
TDCJ Facilities Division
P.O. Box 4011
Huntsville, TX 77342-4011
Tel. (936) 437-7201

Mr. Glenn Isbell is not a defendant in this lawsuit. Mr. Isbell may have relevant knowledge pertaining to the technical and security feasibility of technologies to reduce temperature and heat index inside offender housing areas at the Hutchins State Jail, as well as relevant knowledge of the operational costs associated with the installation of climate control system in TDCJ facilities.

54. Shannon Kersh

Manager, Review and Standards
TDCJ, Administrative Review & Risk Management Division
P.O. Box 99
Huntsville, TX 77342-0099
Tel. (936) 437-4950

Ms. Shannon Kersh is not a defendant in this lawsuit, and may have relevant knowledge of the Hutchins State Jail's compliance with all standards established as a result of the *Ruiz* litigation.

55. Thomas Warren

Manager, Risk Management
TDCJ, Administrative Review & Risk Management Division
P.O. Box 99
Huntsville, TX 77342-0099
Tel. (936) 437-4806

Mr. Thomas Warren is not a defendant in this lawsuit, and may have relevant knowledge of Risk Management policies and procedures pertaining to the training for TDCJ employees on policies related to temperature, heat, and offender health & welfare, and the creation and maintenance of records pertaining to these policies and procedures.

56. Carol Monroe

Deputy Director
TDCJ, Administrative Review & Risk Management Division
1060 Hwy 190 E.
Huntsville, TX 77340
Tel. (936) 437-4883

Mr. Carol Monroe is not a defendant in this lawsuit. Mr. Monroe may have relevant knowledge of Hutchins State Jail's compliance with all standards established by the *Ruiz* litigation, as well as with the American Correctional Association.

57. Jim Sloan

TDCJ, State Classification Committee
P.O. Box 99
Huntsville, TX 77342-0099
Tel. (936) 437-6448

Mr. Jim Sloan is not a defendant to this lawsuit. Mr. Sloan may have relevant knowledge of the TDCJ policies and procedures pertaining to the housing assignments of offenders in TDCJ, including, but not limited to geriatric offenders and offenders with chronic medical conditions, as well as the identification and selection of offenders assigned to air-conditioned housing.

58. John Stapleton

Correctional Training Supervisor
TDCJ-CID, Correctional Training & Staff Development
P.O. Box 99
Huntsville, TX 77342-0099
Tel. (936) 437-8508

Mr. John Stapleton is not a defendant in this lawsuit. Mr. Stapleton may have relevant knowledge pertaining to Correctional Training for TDCJ staff pertaining to heat, extreme temperatures, and heat-related illnesses at the Hutchins State Jail, to include the enforcement of said policies.

59. Ron Steffa

Deputy Chief Financial Officer
TDCJ, Business and Finance Division
P.O. Box 99
Huntsville, TX 77342-0099
Tel. (936) 437-2111

Mr. Ron Steffa is not a defendant in this lawsuit. Mr. Steffa may have relevant knowledge of the process of approving the installation, design and construction of any capital improvements to TDCJ facilities. Mr. Steffa may have relevant knowledge of the costs associated with the maintenance, operation, and the installation of climate control systems in TDCJ facilities, as well as the costs of retrofitting any TDCJ facilities to install air conditioning.

60. Kelli Ward

Manager
TDCJ Offender Grievance Program
1060 Hwy 190 E.
Huntsville, TX 77340
Tel. (936) 437-4891

Ms. Kelli Ward is not a defendant in this lawsuit. Ms. Ward may have relevant knowledge of complaints, including, but not limited to, offender and employee grievances, pertaining to heat, extreme temperatures, heat-related illness, and air conditioning at the Hutchins State Jail.

61. Jeff Baldwin

Chief of Staff
TDCJ Executive Administrative Services
P.O. Box 13084
Capitol Station
Austin, TX 78711
Tel. (512) 463-9776

Mr. Jeff Baldwin is not a defendant in this lawsuit. Mr. Baldwin may have relevant knowledge of facts as the Office of the Chief of Staff to the Executive Director of TDCJ has oversight of the Emergency Action Center, Executive Services, Governmental Affairs and Media Services, and is responsible for providing administrative support to the Executive Director and Deputy Executive Director.

62. Robert Compton

Intake Administrator, TDCJ Classification & Records
P.O. Box 99
Huntsville, TX 77342
Tel. (936) 437-6231

Mr. Robert Compton is not a defendant in this lawsuit. Mr. Compton may have relevant knowledge of Intake Policies and Procedures in both the State Jail and Institutional Division facilities.

63. Bryan Collier

Deputy Executive Director, TDCJ
P.O. Box 99
Huntsville, TX 77340
Tel. (936) 437-6251

Mr. Bryan Collier is not a defendant in this lawsuit. Mr. Collier may have relevant knowledge of the overall management of the Agency. Mr. Collier assists the Executive Director with the overall management of the Agency.

64. Paul Morales

Director, Administrative Review & Risk Management – TDCJ
1060 Hwy 190 East
Huntsville, TX 77340
Tel. (936) 437-4837

Mr. Paul Morales is not a defendant in this lawsuit. Mr. Morales may have relevant knowledge of Administrative Review & Risk Management policies and procedures system-wide and as applied to Hutchins State Jail.

65. Joni White

Assistant Director, Classification & Records – TDCJ
P.O. Box 99
Huntsville, TX 77340
Tel. (936) 437-6231

Ms. Joni White is not a defendant in this lawsuit. Ms. White may have relevant knowledge of TDCJ Classification & Records policies and procedures both system-wide and as applied to Hutchins State Jail.

66. Mike Corley

Program Specialist III
TDCJ – Agribusiness, Land & Minerals
P.O. Box 99
Huntsville, TX 77340
Tel. (936) 437-5418

Mr. Mike Corley is not a defendant in this lawsuit. Mr. Corley may have relevant knowledge of Agribusiness Division Operations pertaining to swine operations at TDCJ facilities.

67. Cody Ginsel

TDCJ-CID

Director III, Management Operations
815 16th St.
Huntsville, TX 77340
(936) 437-8504

Mr. Cody Ginsel is not a defendant in this lawsuit. Mr. Ginsel is the Director of Management Operations and may have relevant knowledge concerning the development and implementation of training programs for TDCJ-CID staff. Further, he has knowledge regarding TDCJ policies and procedures.

68. Tracy Bailey

TDCJ-CID
Director II, Correctional Training & Staff Development
815 16th St.
Huntsville, TX 77340

Ms. Tracy Bailey is not a defendant in this lawsuit. Ms. Bailey may have relevant knowledge pertaining to Correctional Training for TDCJ staff pertaining to heat, extreme temperatures, and heat-related illnesses at the Hutchins State Jail, to include the enforcement of said policies.

69. All witnesses disclosed by Plaintiffs and Defendant UTMB.

TDCJ Defendants reserve the right to supplement any additional information as it is discovered and to call any witnesses named by the Plaintiffs and Defendant UTMB.

- (b.) Please see: i.) the attached Document Index for a complete list of documents that are being provided with this Third Supplement to Defendants' Initial Disclosures in pdf format copied onto a CD; ii) Defendants' 23rd Supplemental Global Document Index and supplements thereto disclosed in *Bailey v. Livingston, et al.* No. 4:14-cv-01698; U.S. District Court, Southern District of Texas, Houston Division and iii) documents found in TDCJ-IT ESI searches of O365 and Mainframe disclosed in *Bailey* Document Index and Global Index; and iv) all documents disclosed by UTMB.

Any additional documents subject to disclosure will be timely supplemented after receipt and review for privilege or other concerns.

- (c.) A computation of any category of damages claimed by the disclosing party, making available for inspection and copying as under Rule 34 the documents or other evidentiary material on which such computation is based, including materials bearing on the nature and extent of injuries suffered.

Defendants have no information regarding this category.

- (d.) For inspection and copying as under Rule 34 any insurance agreement under which any person carrying on an insurance business may be liable to satisfy part or all of a judgment

which may be entered in the action or to indemnify or reimburse for payments made to satisfy the judgment.

Defendants have no information regarding this category.

(2) **DISCLOSURE OF EXPERT TESTIMONY**

- (a.) The identity of any person who may be used at trial to present evidence under Rules 702, 703, or 705 of the Federal Rules of Evidence:

Anticipated Non-retained experts:

1) Dr. Lannette Linthicum

Director of the TDCJ Health Services Division
c/o Cynthia Burton and Bruce Garcia
Assistant Attorneys' General

In her role as the Director of the TDCJ Health Services Division, Dr. Linthicum may testify as an expert regarding correctional health care and all aspects of her report including exhibits, which were provided in *Bailey*.

2) Kim Farguson

Deputy Director of the TDCJ Maintenance Division
c/o Cynthia Burton and Bruce Garcia
Assistant Attorneys' General

In his role as the Deputy Director of the TDCJ Maintenance Division, Mr. Farguson may testify as to the prison buildings plans, systems, and the like. Please see Mr. Farguson's deposition in this and other related cases.

3) Cynthia Lee Burton

Assistant Attorney General
State Bar No. 24035455
P.O. Box 12548, Capitol Station
Austin, Texas 78711
(512) 463-2080
(512) 936-2109 Fax

The undersigned is an attorney licensed to practice before this court with experience in representing parties in prison related cases, and will testify by affidavit concerning the reasonableness and necessity of any request by plaintiffs for attorney fees and costs. If a request for attorney fees is made, Ms. Burton will render a professional opinion using the "Johnson Factors" as applicable to this case. No report is available or determinable at this time. Ms. Burton has been licensed since 1993.

4) Bruce R. Garcia

Assistant Attorney General

Texas Bar No. 07631060
Southern District ID No. 18934
P.O. Box 12548, Capitol Station
Austin, Texas 78711
(512) 463-2080

The undersigned is an attorney licensed to practice before this court and will testify by affidavit concerning the reasonableness and necessity of any request by plaintiff for attorney fees and costs. If a request for attorney fees is made, Mr. Garcia will render a professional opinion using the "Johnson Factors" as applicable to this case. No report is available or determinable at this time. Mr. Garcia has been licensed since 1991.

5) Oscar Mendoza

Administrative Review and Risk Management
Texas Department of Criminal Justice
P.O. Box 99, 1060 State Hwy 190E
Huntsville, Texas 77342-0099
Tel. (936) 437-4839

Mr. Mendoza is the Director of Administrative Review and Risk Management and is a non-retained expert. He will testify regarding the Texas Department of Criminal Justice policies and procedures in place at the Hutchins Unit in July of 2011. Specifically he will testify on TDCJ policies regarding heat illnesses, training of employees and notification of offenders on heat related issues.

He will testify that the policies and procedures in place at the Hutchins facility did not contribute to the death of Mr. McCollum. He will further testify regarding the correctional officers training in regards to medical conditions. He will further testify that TDCJ and UTMB policies were/are appropriate at the Hutchins facility to address extreme temperatures necessary to protect and safely house heat-sensitive prisoners. He will testify regarding the national accreditation standards for prisons and that the Hutchins state jail in July, 2011 met the minimum standards for prison facilities for environmental conditions, staffing, reception/intake, classification and training.

6) Benjamin Leeah, M.D.

Texas Tech Correctional Managed Healthcare
Texas Tech Health Science Center
Lubbock, Texas

He is a non-retained witness who will testify about the medical care provided to Mr. McCollum at the Hutchins Unit, McClellan County and Parkland Hospital. In addition he will testify regarding McCollum's medical care during his previous incarceration. In addition he will testify regarding the Texas Department of Criminal Justice Policies and procedures as they relate to heat related illnesses and issues. Specifically he will testify that these policies did not contribute to the death of offender McCollum. He will further testify that in July, 2011 TDCJ and UTMB policies were/are appropriate at the Hutchins facility to address extreme temperatures necessary to protect and safely house heat-sensitive prisoners.

7) Julius Baker

Maintenance Supervisor
Hutchins Unit
1500 East Langdon Rd, Dallas, Texas

Mr. Baker is a non-retained employee of the Texas Department of Criminal Justice. He is designated as a rebuttal expert to testify regarding the HVAC or air handling systems at the Hutchins facility. He may also testify regarding the repair or process for air handlers on the Hutchins Unit.

8) Phyllis McWhorter

Manager IV, Health Services Liaison
TDCJ Health Services Division
2 Financial Plaza, Ste. #625
Huntsville, TX 77340
Tel. (936) 437-4271

Ms. Phyllis McWhorter has been the Manager IV in the Texas Department of Criminal Justice (TDCJ) Office of Health Services Liaison (HSL) for the past 10 years. Since its creation in 2010, part of her duties include maintaining the "Temperature Extremes" database. This database holds incidents of heat cramps, heat exhaustion, heat stroke and neuroleptic malignant syndrome that are reported to this office by unit-based healthcare staff. Ms. McWhorter has prepared her Affidavit describing how she maintains the "Temperature Extremes" database along with Charts A-C which provide a summary of the data she has collected which has been disclosed as part of Initial Disclosures and supplements in *Bailey*. She may testify regarding all aspects of her affidavit and charts contained her affidavit.

9) Robert Williams

Deputy Director of TDCJ Health Services Division
Two Financial Plaza, Ste. #625
Huntsville, TX 77340
Tel. (936) 437-4271

Dr. Robert Williams is the Deputy Director of the Health Services Division. Dr. Williams reports directly to Dr. Lannette Linthicum. Dr. Williams may testify regarding correctional health care and the duties, policies, practices and procedures of Health Services Division, as well as TDCJ policies and procedures.

Retained experts:

1) Frank Traknyak, P.E., and/or Dan M. Sharp, A.I.A

These witnesses' opinions are based on TDCJ and UTMB policies, health care records, American Correctional Association standards, any literature they may have relied upon, statements and depositions taken in this and the other Prison Heat Cases (and exhibits thereto), documents produced in discovery by the parties in this and the other Prison Heat Cases, policies relevant to the operation of the Pack Unit, and their education, training and experience, as well as additional documents identified in their reports.

Expected exhibits to which these witnesses may refer or rely upon when giving their testimony at trial are not fully known at this time but are expected to include related TDCJ and UTMB records, health care records, relevant literature, any written report of these witnesses or other witnesses and any of the testimony of any party or other witness in this or other Prison Heat Cases, the documents produced in this cause and the other Prison Heat Cases in discovery, articles concerning the events and TDCJ and UTMB policies, depositions in this cause and other Prison Heat Cases, and exhibits to said depositions. These witnesses may refer to or rely upon any exhibit shown to or admitted into evidence by any other witness in this or any other Prison Heat Case.

2) John W. Nielsen-Gammon

John Nielsen-Gammon, is a Regents Professor of Atmospheric Sciences at Texas A&M University, where he has been employed as a faculty member since 1991. He also is the Texas State Climatologist, having been appointed to that position by then-Governor George W. Bush in 2000. He holds an S.B. degree in Earth and Planetary Sciences (1984), an S.M. degree in Meteorology (1987), and a Ph.D. degree in Meteorology (1990), all from the Massachusetts Institute of Technology. His research activities are wide-ranging and include weather analysis and forecasting, air pollution meteorology, and applied climatology. The latter topic involves using climatological knowledge to solve real-world climate-related problems. He has served as chair of the American Meteorological Society's Board on Higher Education and as president of the International Commission for Dynamical Meteorology and is a Fellow of the American Meteorological Society. John Nielson-Gammon will testify in his capacity as Texas State Climatologist, providing factual weather analysis and data from 2011.

3) Dean Rieger, MD, MPH

Dr. Rieger is a physician currently licensed to practice in 26 states in the United States, including Illinois. He receives \$350 per hour for consultation services and \$175 per hour for time in travel, and reimbursement for receipted expenses. He has been working in various capacities in correctional health care almost continuously since 1977, including direct care, administrative, and supervisory responsibilities in both jails and prisons, and including individual facilities ranging from a few hundred beds to ones with more than five thousand beds. He has served as an expert medical consultant to the court monitor in a case in Wayne County, Detroit. As the State Medical Director for the Indiana Department of Correction (IDOC), he was responsible for developing and implementing policies and procedures including helping the IDOC minimize the risks associated with heat stress injuries. He currently serves as the Deputy Chief Clinical Officer for Correct Care Solutions, a company that, as part of its activities, provides patient care services to approximately 250,000 jail and prison beds in almost 40 states.

Defendants note that the Court has ruled in this case no new experts will be permitted other than those previously designated. Defendants intend to offer Dr. Rieger's report as an offer of proof in this cause to supplement the record with the report and expected expert testimony Defendants would have elicited at trial. In the event the Court revisits its ruling on newly designed experts, Dr. Rieger will testify regarding all aspects of his report, including but not limited to, his qualifications, the scope of his report, materials he reviewed, risk of heat stress injury, TDCJ and other policies, acclimatization, opinions in the report, all other aspects of his report, and any other related opinions. He would testify regarding the care, medical conditions, causes and circumstances surrounding the death of Larry McCollum.

I. PRETRIAL DISCLOSURES

- (a.) The name and, if not previously provided, the address and telephone number of each witness, separately identifying those whom the party expects to present and those whom the party may call if the need arises:

See parts (1)(A) and (2) above.

- (b.) The designation of those witnesses whose testimony is expected to be presented by means of a deposition and, if not taken stenographically, a transcript of the pertinent portions of the deposition testimony.

None at this time.

- (c.) An appropriate identification of each document or other exhibits, including summaries of other evidence, separately identifying those which the party expects to offer and those which the party may offer if the need arises.

See part (1)(B) above.

Respectfully submitted,

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Attorney General of Texas

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First Assistant Attorney General

JAMES E. DAVIS
Deputy Attorney General for Civil Litigation

KAREN D. MATLOCK
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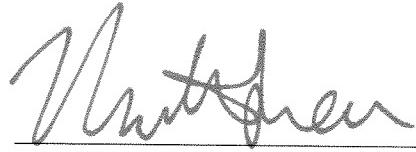
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RICHARD CLARK, KAREN TATE,
SANDREA SANDERS, AND THE TEXAS
DEPARTMENT OF CRIMINAL JUSTICE**

CERTIFICATION

I hereby certify that to the best of my knowledge, information and belief, such disclosure is complete and correct as of this time.



MATTHEW J. GREER
Assistant Attorney General

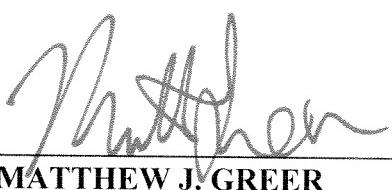
CERTIFICATE OF SERVICE

I, **MATTHEW J. GREER**, Assistant Attorney General of Texas, do hereby certify that a true and correct copy of the above and foregoing TDCJ Defendants' Third Supplemental Disclosures to Plaintiffs has been served by placing same in the United States Mail, via CMRR, on this 3rd day of May, 2016, to:

Attorneys for Plaintiffs

Jeff Edwards
Scott Medlock
The Edwards Law Firm
1101 E. 11th Street,
Austin, Texas 78702-1908

CMRR# 7008 0500 0001 5047 2777



MATTHEW J. GREER
Assistant Attorney General